

FILED

2006 MAY 11 PM 12:36

CLERK, US DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

EP 05-CA-259

Agency No. A 97-893-671

Ali M. Abdulle,

Petitioner,

v.

MOTION TO DISMISS AS MOOT.

Alberto Gonzalez,  
Attorney General, et. al.

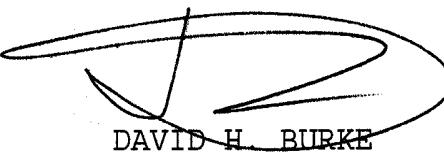
Respondent.

The Respondents hereby move to dismiss the petition as moot. On May 1, 2006, Respondent was released from custody on an order of supervision on May 2, 2005. See Exhibit 1. The Respondents do not intend to re-detain Respondent unless firm travel arrangements are made or unless there is a material change in circumstances (i.e, unless the Petitioner engages in future criminal activity or future immigration violations). Because Petitioner has now been released from custody, all issues related to his custody are now moot.

WHEREFORE, the Respondents move to dismiss the petition as moot.

Respectfully Submitted,

JOHNNY SUTTON  
United States Attorney  
Western District of Texas



DAVID H. BURKE  
Special Assistant  
United States Attorney  
Colorado Bar #26779  
700 E. San Antonio St., 2<sup>nd</sup> Floor  
El Paso, Texas 79901  
(915) 534-6884; 225-1803  
Fax: (915) 225-1892

Attorney For Respondent

May 11, 2006

CERTIFICATE OF SERVICE

Name: **ALI M. ABDULLE**  
Case Number: EP-05-CA-259-DB

On, May 11, 2006, I, DAVID BURKE, sent via 1<sup>st</sup> class mail a complete copy of this Return and Motion to Dismiss and any attached pages to the Petitioner's counsel, Edgar Holguin, Esq., Asst. Fed. Public Defender, Western District of Texas, Federal Building, 700 E. San Antonio D-401, El Paso, TX 79901.



DAVID H. BURKE  
Special Assistant  
United States Attorney  
Department of Homeland  
Security

**EXHIBIT 1**

Office of Detention and Removal Operations

U.S. Department of Homeland Security

801 I Street, NW

Washington, DC 20536

**U.S. Immigration  
and Customs  
Enforcement**

Ali Mohamud ABDULLE  
C/O Immigration & Customs Enforcement  
El Paso Processing Center

A97 893 671

**Release Notification**

Upon review of your case, U.S. Immigration and Customs Enforcement (ICE) has concluded that you may be released from ICE custody pending your removal from the United States. This release does not affect your removal order and does not constitute an admission to the United States.

Your release will be subject to certain written conditions that will be provided to you shortly on the Order of Supervision and Addendum to the Order of Supervision forms, and by which you must abide. **Two of these conditions are: monthly in person reporting to an ICE office and weekly telephonic reporting until you are removed.** A violation of one or more of these conditions, or of any local, state or federal law may result in your being taken back into custody and any bond that you may have posted being forfeited. Your release from custody is also conditioned upon your maintaining proper behavior while sponsorship and placement efforts for you are being undertaken.

Prior to your release from custody, an immigration officer may verify the sponsorship or employment offers presented during your review. Please forward any additional information regarding potential sponsoring family members or non-governmental organizations that may be willing to assist you upon release.

It is particularly important that you keep ICE advised of your address at all times. ICE will continue to make efforts to obtain your travel document that will allow the United States government to carry out your removal pursuant to your order of deportation, exclusion, or removal. In addition, you are required by law to continue to make good faith efforts to secure a travel document on your own and provide proof of your efforts to ICE. Once a travel document is obtained, you will be required to surrender to ICE for removal. You will, at that time, be given an opportunity to prepare for an orderly departure.

A handwritten signature in black ink, appearing to read "Jad T."

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Signature of HQPDU Director/Designated RepresentativeA handwritten date in black ink, appearing to read "5/1/06".

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5/1/06

Date

A-NUM: 097893671  
DCO: ELP

LAST NAME: ABDULLE  
FIRST NAME: ALI MOHAMUD

NATLTY: SOMAL

CHG-DOC-ISSUED: 05/25/2004  
CHG-DOC-SERVED: 05/25/2004

DATE-WA-ISSUED: 05/25/2004  
DATE-WA-SERVED: 05/25/2004  
CONSUL-NOTIF:

BOND-AMT-REQUIRED: NOBOND  
BOND-AMT-POSTED:

BOND-TERM-STATUS:  
DATE-BOND-POSTED:

STAT-RECOG-SUPER:

DATE-STATUS-RECOG-SUPER:

DET-LOC-ID: EPC  
DATE-RELEASED: 05/02/2006

DATE-BOOKED-IN: 05/24/2005  
RELEASED-TO: OSUP

DATE-ENTERED: 05/24/2005  
DET-FAC-TYPE: INS

VR-USM:  
DET-DCO: EPC

COMMAND: CUST

A-NUM: 097893671

FIRST PAGE OF DATA

PF7 - DET LOC ID LIST

RECEIVED

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

Ali M. Abdulkarim  
CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY DEPUTY CLERK  
Petitioner,  
v.

EP 05-CA-259  
Agency No. A 97-893-671

ORDER.

Alberto Gonzalez,  
Attorney General, et. al.

Respondent.

On this date, came on to be considered the respondents' Motion to Dismiss, in the above-entitled and numbered cause. The Court, having considered the respondents' Motion is of the opinion that said motion is meritorious and is hereby GRANTED.

Accordingly, it is ORDERED that the petition in the above-styled and numbered cause be DISMISSED. Petitioner to pay all costs.

ENTERED this \_\_\_\_\_ day of May, 2005.

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HON. DAVID BRIONES  
UNITED STATES DISTRICT JUDGE